

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 09-349(2) (DWF/SRN)

United States of America,

Plaintiff,

vs.

Mark S. Sutton,

Defendant.

**SUTTON OBJECTION TO
GOVERNMENT MOTION FOR
ORDER OF FORFEITURE**

Defendant Mark S. Sutton, by and through undersigned counsel and pursuant to Rule 32.2 (b) of the Federal Rules of Criminal Procedure, hereby objects to the government's proposed Order of Forfeiture for the following reasons:

1. Because of the complexity of the instant case and the uncertainty as to exact amounts, a hearing pursuant to Rule 32.2(b) is necessary in order to properly address these issues.
2. The government's suggested forfeiture amount of \$308,901.00 (for the purposes of obtaining a personal money judgment) includes monies that were commissions paid to Golden Thread (Randy Russ) and therefore are not properly forfeitable as to Mark Sutton. The Mark Sutton figure is as delineated in Attachment O - - \$194,776.
3. The amount of \$194,776.00 is not subject to forfeiture because it was not laundered money. The commissions paid

to Mark Sutton and the other recruiters were not
laundered funds for the purposes of pursuant to 18 U.S.C.
§ 982(a)(1).

For the forgoing reasons this, Court is requested to resist
the government's premature attempt to set forfeiture amounts and
to allow due process under Rule 32.2 (b) of the Federal Rules of
Criminal Procedure to prevail.

Dated: June 8, 2011

Respectfully submitted,

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